IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISIDICTION

WRIT PETITION NO.1151 OF 2004

Smt.Jane Misquitta ..Petitioner

Vs.

The Administrator/Trustee
Gulshan Prathamik Shala
and Anr. ..Respondents

....

Mr.R.D.Suryavanshi for Petitioner
Mr.A.G.Kothari for Respondent no.2

....

CORAM : B.H.MARLAPALLE,J.

DATE : MARCH 22,2005

P.C.:

1. Heard the learned counsel for the petitioner. The impugned order has been passed in appeal no.2 of 1992 by the School Tribunal at Mumbai and it has been held that the said appeal was not maintainable. This view taken by the Tribunal does not call for any interference as the appellant did not allege the termination of service or supersession.

2. However, the findings recorded on other issues which were not germane to the issue of maintainability of the appeal under Section 9 of the M.E.P.S.Act, 1977 would not come in the way of the

petitioner if and when she approaches the appropriate forum under M.E.P.S.Act, 1977 for redressal of her grievance.

3. Save and except the above clarification, petition is rejected summarily.

[B.H.MARLAPALLE,J.]